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not prescribed to her, both on the job and from UPS employees. Plaintiff was questioned because another employee identified her, in the course of an investigation which was turned over to the criminal authorities. Plaintiff voluntarily admitted her consumption and purchase of these substances which were not prescribed to her. At no time did Plaintiff claim to have a disability or notify Defendant of any disability or limitations, and at no time was she perceived as having a disability. In part because of her own admissions, she was perceived by Defendant as breaking the law; her employment therefore ended.

A. Claims to be Dismissed:

II. Summary of Defenses:

Plaintiff does not have a disability, never made one known, and was not perceived as having a disability.

Defendant has in place reasonable procedures which allow for reporting any perceived harassment or discrimination. Plaintiff unreasonably failed to utilize these procedures.

Plaintiff is prohibited from recovery due to the doctrine of unclean hands.

Plaintiff has failed to exhaust all required administrative prerequisites.

Plaintiff's recovery, if any, should be limited by any subsequent income, or barred due to failure to mitigate damages.

A. Defenses to be Abandoned: None.

III. Motions Pending: None.

IV. Stipulations:

A. Jurisdiction Admitted: X Yes ___ No (If no, explain.)

B. Venue Appropriate: X Yes ___ No (If no, explain.)

C. Facts: All parties have been correctly designated.

1. Plaintiff was employed with Defendant since 1985.
2. Plaintiff was terminated by the Defendant on March 9, 2011.

D. Law: Americans with Disabilities Act

V. Proposed Deadlines:

- A. Parties to be added by: October 21, 2012
- B. Proposed discovery cutoff date: March 1, 2013
- C. Fact preliminary witness lists to be exchanged by: February 8, 2013
- D. Proposed Date for Expert Reports:
 - By Plaintiff: February 15, 2013
 - By Defendant: February 28, 2013

VI. Fed. R. Civ. P. 26(f) Discovery Plan

- A. Should any changes be made to the timing, form or requirements for disclosures under Rule 26(a)? No.
- B. When were or will initial disclosures under Rule 26(a)(1) be made? October 5, 2012

Note that pursuant to Rule 26(a)(1), initial disclosures must be made within 14 days after you confer for the purpose of preparing this discovery plan. All parties are under an affirmative duty to (i) comply with the mandatory disclosure requirements, and (ii) notify the Court of any nondisclosure so that the issue can be promptly referred to a Magistrate Judge for resolution. Failure of any party to disclose information, or failure of any party to bring disclosure issues to the Court's attention in a timely manner, may result in sanctions, including prohibiting the use of that information at trial, pursuant to Rule 37(c)(1).

- C. Should discovery be conducted in phases and/or should discovery be limited at this time to particular subject matters or issues? No.
- D. Should any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Court's local rules? No.
- E. Proposed number of fact and expert depositions:
 - 1. To be allowed for Plaintiff? Fact 5 Expert 2
 - 2. To be allowed for Defendant? Fact 5 Expert 2
- F. Is there a need for any other special discovery management orders by the Court? No.

VII. Are Dispositive Motions Anticipated? If so, describe them.

Plaintiff: Not at this time.

Defendant: Yes, as to Plaintiff's claims as a whole and in particular arising under the Americans with Disabilities Act and related counterparts.

VIII. Do All Parties Consent to Trial before the Assigned Magistrate Judge?

____ Yes **(Please attach completed Trial Consent form)**
Trial by Magistrate Judge Requested in _____
 X No (month/year)

IX. Is there any matter that should be referred to the assigned Magistrate Judge for final disposition upon partial consent of all the parties pursuant to Local Rule 73.1?

____ Yes **(Please attach completed Partial Consent form)**
 X No

X. Settlement Plan **(Check one)**

A. X Settlement Conference Requested after March 1, 2013 .

Describe settlement judge expertise required, if any:

- B. ____ Private Mediation Scheduled in
C. ____ Other ADR **(Explain)**
D. ____ ADR is not appropriate in this case **(Explain)**

Has a copy of the Court's ADR booklet been provided to clients as required?

Defendants: X Yes ____ No
Plaintiffs: X Yes ____ No

XII. Does this case warrant special case management? No.

XIII. Do the parties request that the Court hold a scheduling conference? No.

XIV. Estimated trial time: 3-4 days

READ AND APPROVED BY:

s/ J. Derek Ingle

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